UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,454	08/14/2001	Liqun Chen	B-4278PCT	9593

22879 7590 01/10/2006		EXAMINER
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ART UNIT	PAPER NUMBER
2137	

INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
<tr><td>09/913,454</td><td>CHEN ET AL.</td><td></td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Minh Dieu Nguyen</td><td>2137</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64* is/are pending in the application.

    4a) Of the above claim(s) *1-43* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE dated October 28, 2005 with the

cancellation of claims 1-43 and the addition of claims 44-64.

2.   Claims 44-64 are pending.

Claim Objections

3.   Claim 54 is objected to because of the following informalities:

"the stored model configuration providing providing an identification...", the word

"providing" is repeated.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

6.   Claim 57 recites the limitation "the actual module configuration". There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 44-47, 50, 52-53 and 58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Drews (6,539,480) in view of Selitrennikoff et al. (6,209,089).

      a)   As to claims 44 and 52, Drews discloses a method and apparatus for

securely transferring trust from a current trusted authority to a new trusted authority in a

computing system comprising storing a module configuration of the computer apparatus

(col. 3, line 9, 17-18); the trusted device performing a cryptographic identification

process for modules with a cryptographic identity to identify them (Fig. 2, element 106;

col. 4, lines 43-46; Fig. 3, element 114-116) and thereby determine an actual module

configuration (Fig. 4); the trusted device comparing the actual module configuration

against the stored module configuration (Fig. 3, element 117); and the trusted device

inhibiting function of the computer apparatus while the actual module configuration does

not satisfactorily match the stored module configuration (Fig. 5, element 210).

      Drews does not expressly disclose a module configuration providing an

identification of each functional module in the computer apparatus.

      Selitrennikoff discloses a method and system for adjusting an operating system

configuration according to changes in hardware components comprising a module

configuration providing an identification of each functional module in the computer
apparatus (col. 13, lines 20-24; Fig. 3, element 40).

It would be obvious to one of ordinary skill in the art at the time of the invention to
employ the use of having a module configuration providing an identification of each
functional module in the computer apparatus in the system of Drews as Selitrennikoff
teaches so as to accurately verify the functional modules.

b)   As to claim 45, Drews discloses the stored module configuration is held
separately from the computing apparatus (i.e. over the network, col. 3, lines 34-36).

c)   As to claims 46-47 and 58, Drews discloses the stored module
configuration is stored such that it is accessible only by a cryptographic authentication
process (this claimed limitation is addressed in the above claim 1, Drews discloses the
validation and authentication process with the use of public/private key, hashing and
digital signature.

d)   As to claim 50, please see the addressed above claim 44.

e)   As to claim 53, the claimed limitations are addressed in the above claims
45 and 46.

9.   Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Herzi et al. (6,353,885) in view of Selitrennikoff et al. (6,209,089).

a)   As to claim 54, Herzi discloses a system and method for providing BIOS
level user configuration of a computer system where the smart card (i.e. a security
token) contains BIOS level settings (i.e. stored module configuration, col. 3, lines 54-57;

col. 3, lines 5-13) and adapts to provide the stored module configuration to the computer apparatus to allow comparison between an actual module configuration of the computer apparatus and the stored module configuration (Fig. 3, element 78).

Herzi does not expressly disclose the stored module configuration providing an identification of each function module.

Selitrennikoff discloses a method and system for adjusting an operating system configuration according to changes in hardware components comprising a module configuration providing an identification of each functional module in the computer apparatus (col. 13, lines 20-24; Fig. 3, element 40).

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the use of having a module configuration providing an identification of each functional module in the computer apparatus in the system of Herzi as Selitrennikoff teaches so as to accurately verify the functional modules.

b)   As to claim 55, the examiner takes official notice that storing information in an encrypted form is quite well known in the data encryption art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing the stored module configuration in an encrypted form in the system of Herzi and Selitrennikoff so as to securely protect the configuration data.

c)   As to claim 56, Herzi discloses the security token is a smart card (Fig. 1, element 28).

10.   Claims 48-49, 57, 59 and 60-63 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Drews (6,539,480) in view of Selitrennikoff et al. (6,209,089) and

further in view of Herzi et al. (6,353,885).

        a)   As to claim 57, Drews discloses a method and apparatus for securely

transferring trust from a current trusted authority to a new trusted authority in a

computing system comprising storing a module configuration of the computer apparatus

(col. 3, line 9, 17-18); checking the actual module configuration against the stored

module configuration (Fig. 3, element 117); and inhibiting function of the computer

apparatus if the actual module configuration does not satisfactorily match the stored

module configuration (Fig. 5, element 210).

        Drews does not expressly disclose a module configuration providing an

identification of each functional module in the computer apparatus.

        Selitrennikoff discloses a method and system for adjusting an operating system

configuration according to changes in hardware components comprising a module

configuration providing an identification of each functional module in the computer

apparatus (col. 13, lines 20-24; Fig. 3, element 40).

        It would be obvious to one of ordinary skill in the art at the time of the invention to

employ the use of having a module configuration providing an identification of each

functional module in the computer apparatus in the system of Drews as Selitrennikoff

teaches so as to accurately verify the functional modules.

Drews and Selitrennikoff do not expressly disclose storing a module configuration of the computer apparatus on a security token removably attachable to the computer apparatus.

Herzi discloses a system and method for providing BIOS level user configuration of a computer system where the smart card (i.e. a security token) contains BIOS level settings (i.e. stored module configuration, col. 3, lines 54-57; col. 3, lines 5-13).

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing a module configuration on a security token in the system of Drews and Selitrennikoff so as to flexibly provide a user configuration in a multi-user computer system environment.

b)   As to claim 59, Drews discloses the computer apparatus contains a trusted device (i.e. security module, Fig. 1, element 30) adapted to respond to a user in a trusted manner and the trusted device is adapted to perform the step of checking the actual module configuration against the stored module configuration (Fig. 3, element 117).

c)   As to claims 48-49 and 60-63, please see the addressed above claim 57.

11.   Claims 51 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drews (6,539,480) in view of Selitrennikoff et al. (6,209,089) in view of Herzi et al. (6,353,885) and further in view of Muftic (5,943,423).

Herzi discloses the module configuration is held by a remote module validation authority, however Drews and Herzi do not disclose the remote validation authority

provides a service allowing a replacement security token to be provided if a security token is lost or stolen.

Muftic discloses applications of the smart card technology to computer and network access, software distribution comprising a service allowing a replacement security token to be provided if a security token is lost or stolen (col. 6, lines 50-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of replacing lost or stolen security token as Muftic teaches in the system of Drews, Selitrennikoff and Herzi so as not to disrupt the smart card services.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.
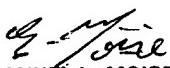
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Minh Dieu Nguyen
Examiner
Art Unit 2137

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mdn
1/3/06